HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.872 OF 2007

Between:

The State of Andhra Pradesh,
represented by its Principal Secretary,
Education Department,
Secretariat, Hyderabad and two others. ...
Appellants.

AND

B. Swamy and another. ... Respondents.

:: J U D G M E N T ::

Counsel for the appellants : Government Pleader for School Education.

Counsel for respondent No.1 : Sri Pratap Narayan Sanghi

11th October, 2007

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Per G.S.SINGHVI, C.J.

This is an appeal for setting aside order dated 6.6.2005 passed by the learned Single Judge in WPMP.No.32721 of 2004 in Writ Petition No.25026 of 2004 as also order dated 10.9.2007 passed in Contempt Case No.140 of 2007.

Learned Government Pleader for School Education invited our attention to order dated 26.12.2005 passed in Writ Appeal No.2528 of 2005 and argued that even though the appellants had filed vacate petition in the month of March, 2006, without deciding the same, the learned Single Judge ordained compliance of interim order dated 6.6.2005 and also directed the appearance of District Educational Officer, Warangal and two others in the event of their failure to implement the Court's order. He submitted that if interim order dated 6.6.2006 is vacated, the contempt case would automatically become infructuous.

Sri Pratap Narayan Sanghi, learned counsel for respondent No.1 initially opposed the prayer made by the learned Government Pleader, but on being pointed out by the Court that in terms of the direction given by the Division Bench in Writ Appeal No.2528 of 2005, the learned Single Judge was required to consider and decide the vacate petition filed by the appellants, he fairly stated that the Division Bench may dispose of this appeal by giving appropriate direction for disposal of WVMP.No.838 of 2006 in Writ Petition No.25026 of 2004.

In view of the fair stand taken by the learned counsel for respondent No.1, we deem it proper to dispose of the appeal with the observation that the Government Pleader may make a request to the

learned Single Judge for taking up WVMP.No.3838 of 2006. Ordered accordingly.

We hope and trust that the learned Single Judge will entertain the request made by the learned Government Pleader and pass appropriate order on the vacate petition as early as possible. We also direct that till the disposal of the vacate petition, the order passed in Contempt Case No.140 of 2007 shall not be given effect to.4.

G.S.SINGHVI, C.J.

11th October, 2007.

C.V.NAGARJUNA REDDY, J.

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